

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

THOMAS J. CARRICATO, JR.,	:	CIVIL ACTION NO. 1:17-CV-436
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
AGENT DELGADO, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 26th day of June, 2017, upon consideration of the report (Doc. 5) of Magistrate Judge Karoline Mehalchick, issued following comprehensive review of the complaint (Doc. 1) of *pro se* plaintiff Thomas J. Carricato, Jr. (“Carricato”) pursuant to 28 U.S.C. § 1915(e)(2)(B), wherein Judge Mehalchick recommends that the court dismiss Carricato’s complaint for failure to state a claim for which relief may be granted and for failure to comply with the pleading requirements of Federal Rule of Civil Procedure 8(a), see FED. R. CIV. P. 8(a), and further recommends that the court grant Carricato an opportunity to amend his complaint, (see Doc. 5 at 6), and it appearing that no party has objected to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,”

Henderson, 812 F.2d t 878; see also Taylor v. Comm’r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int’l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following independent review of the record, the court being in full agreement with Judge Mehalchick’s recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 5) of Magistrate Judge Mehalchick is ADOPTED.
2. Carricato’s complaint (Doc. 1) is DISMISSED without prejudice.
3. Carricato is granted leave to amend his pleading within twenty (20) days of the date of this order.
4. Any amended pleading filed pursuant to paragraph 3 shall be filed to the same docket number as the instant action, shall be entitled “First Amended Complaint,” and shall be complete in all respects. It shall be a new pleading which stands by itself as an adequate complaint under the Federal Rules of Civil Procedure, without reference to the complaint (Doc. 1) hereinabove dismissed.
5. In the absence of a timely-filed amended complaint, the Clerk of Court shall close the above-captioned action.
6. Any appeal from this order is deemed to be frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania